

ONTARIO REGULATION 641/20

made under the

REOPENING ONTARIO (A FLEXIBLE RESPONSE TO COVID-19) ACT, 2020

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Amending O. Reg. 263/20
(RULES FOR AREAS IN STAGE 2)

1. Section 1 of Ontario Regulation 263/20 is amended by striking out “Schedules 1, 2 and 3” and substituting “Schedules 1 to 4”.

2. The Regulation is amended by adding the following section:

Safety plan

5. (1) A person who is required under this Order to prepare and make available a safety plan in accordance with this section, or to ensure that one is prepared and made available, shall comply with the requirement no later than seven days after the requirement first applies to the person.

(2) The safety plan shall describe the measures and procedures which have been implemented or will be implemented in the business, place, facility or establishment to reduce the transmission risk of COVID-19.

(3) Without limiting the generality of subsection (2), the safety plan shall describe how the requirements of this Order will be implemented in the location including by screening, physical distancing, masks or face coverings, cleaning and disinfecting of surfaces and objects, and the wearing of personal protective equipment.

(4) The safety plan shall be in writing and shall be made available to any person for review on request.

(5) The person responsible for the business, place, facility or establishment shall ensure that a copy of the safety plan is posted in a conspicuous place where it is most likely to come to the attention of individuals working in or attending the location.

3. Section 2 of Schedule 1 to the Regulation is amended by adding the following subsection:

(7) A person shall wear appropriate personal protective equipment that provides protection of the person's eyes, nose and mouth if, in the course of providing services, the person,

(a) is required to come within two metres of another person who is not wearing a mask or face covering in a manner that covers that person's mouth, nose and chin during any period when that person is in an indoor area; and

(b) is not separated by plexiglass or some other impermeable barrier from a person described in clause (a).

4. (1) Clause 4 (1) (b) of Schedule 1 to the Regulation is amended by striking out “six people” and substituting “four people”.

(2) Section 4 of Schedule 1 to the Regulation is amended by adding the following subsections:

(1.1) The person responsible for a business or place that is open shall not permit the booking of more than one room for any particular event or social gathering.

(1.2) The person responsible for a business or place that is open shall ensure that the meeting or event space is closed to the public between the hours of 10 p.m. and 5 a.m.

(1.3) The person responsible for a business or place that is open shall ensure that a safety plan is prepared and made available in accordance with section 5 of this Order.

(1.4) The person responsible for a business or place that is open shall,

(a) record the name and contact information of every member of the public who attends a meeting or event;

(b) maintain the records for a period of at least one month; and

(c) only disclose the records to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.

(1.5) The person responsible for a business or place that is open shall ensure that music is not played at a decibel level that exceeds the level at which normal conversation is possible.

(3) Subsection 4 (2) of Schedule 1 to the Regulation is amended by striking out “Subsection (1) does not apply” at the beginning and substituting “Subsections (1) to (1.3) do not apply”.

(4) Subsection 4 (3) of Schedule 1 to the Regulation is amended by striking out “Subsection (1) does not apply” at the beginning and substituting “Subsections (1) to (1.3) do not apply”.

(5) Subsection 4 (4) of Schedule 1 to the Regulation is amended by striking out “Subsection (1) does not apply” at the beginning of the portion before clause (a) and substituting “Subsections (1) to (1.3) do not apply”.

5. (1) Clause 5 (1) (a) of Schedule 1 to the Regulation is amended by striking out “9 a.m. and 11 p.m.” and substituting “9 a.m. and 9 p.m.”.

(2) Clause 5 (1) (b) of Schedule 1 to the Regulation is amended by striking out “12 a.m. and 9 a.m.” at the end and substituting “10 p.m. and 9 a.m.”.

6. Schedule 1 to the Regulation is amended by adding the following section:

School teaching person holding study permit

6.1 A school or private school within the meaning of the *Education Act* may provide in-person teaching or instruction to a person who holds a study permit issued under the *Immigration and Refugee Protection Act* (Canada) and who enters Canada on or after November 17, 2020, only if the school or private school,

- (a) has a plan respecting COVID-19 that has been approved by the Minister of Education; and
- (b) operates in accordance with the approved plan.

7. Section 8 of Schedule 1 to the Regulation is revoked.

8. (1) Subsection 1 (1) of Schedule 2 to the Regulation is revoked and the following substituted:

Restaurants, bars, etc.

(1) Restaurants, bars, food trucks, concession stands and other food or drink establishments may open if they comply with the following conditions:

1. No buffet-style service may be provided.
2. Patrons must be seated at all times in any area of the establishment in which food or drink is permitted except,
 - i. while entering the area and while moving to their table,
 - ii. while placing or picking up an order,
 - iii. while paying for an order,
 - iv. while exiting the area,
 - v. while going to or returning from a washroom,
 - vi. while lining up to do anything described in subparagraphs i to v, or
 - vii. where necessary for the purposes of health and safety.
3. The establishment must be configured so that patrons seated at different tables are separated by,
 - i. a distance of at least two metres, or
 - ii. plexiglass or some other impermeable barrier.
4. The person responsible for the establishment must,
 - i. record the name and contact information of every patron that enters an area of the establishment, unless the patron temporarily enters the area to place, pick up or pay for a takeout order,
 - ii. maintain the records for a period of at least one month, and
 - iii. only disclose the records to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.
5. The establishment must be closed to the public between the hours of 10 p.m. and 5 a.m., except as may be necessary to,
 - i. allow patrons to temporarily enter the establishment to place, pick up or pay for a takeout order,
 - ii. provide drive-through or delivery service,
 - iii. provide dine-in service only for persons who are performing work for the business or place in which the establishment is located, or

- iv. provide access to washrooms.
- 6. No patron may be permitted to line up or congregate outside of the establishment unless they are,
 - i. maintaining a physical distance of at least two metres from other groups of persons outside the establishment, and
 - ii. wearing a mask or face covering in a manner that covers their mouth, nose and chin, unless they are entitled to any of the exceptions set out in subsection 2 (4) of Schedule 1.
- 7. The total number of patrons permitted to be seated indoors in the establishment must be limited to the number that can maintain a physical distance of at least two metres from every other person in the establishment, and in any event cannot exceed 10 patrons.
- 8. No more than four people may be seated together at a table in the establishment.
- 9. Music must not be played at a decibel level that exceeds the level at which normal conversation is possible.
- 10. Dancing, singing and the live performance of brass or wind instruments are prohibited.
- 11. The person responsible for the establishment must ensure that a safety plan is prepared and made available in accordance with section 5 of this Order.
- 12. If an outdoor dining area at the establishment is covered by a roof, canopy, tent, awning or other element, at least two full sides of the entire outdoor dining area must be open to the outdoors and must not be substantially blocked by any walls or other impermeable physical barriers.
- 13. If an outdoor dining area at the establishment is equipped with a retractable roof and the roof is retracted, at least one full side of the outdoor dining area must be open to the outdoors and must not be substantially blocked by any walls or other impermeable physical barriers.

(2) Subsections 1 (2) and (3) of Schedule 2 to the Regulation are revoked and the following substituted:

(2) Paragraph 5 of subsection (1) does not apply with respect to establishments on hospital premises or in an airport.

(3) Paragraph 7 of subsection (1) does not apply,

(a) with respect to establishments on hospital premises or in an airport; or

(b) with respect to an establishment located within a business or place if the only patrons permitted at the establishment are persons who perform work for the business or place in which the establishment is located.

(3) Subsection 1 (5) of Schedule 2 to the Regulation is revoked and the following substituted:

(5) For greater certainty, any business, place, facility or establishment at which food or drink is sold or served, including those referred to in section 4 of Schedule 1 and sections 3, 4, 8, 18, 22.1, 23, 25 and 26 of this Schedule, is a food or drink establishment to which this section applies,

(a) at any time when food or drink is served or sold at the business, place, facility or establishment; and

(b) in any part of the business, place, facility or establishment where the food or drink is served or sold.

9. (1) Subsection 3 (1) of Schedule 2 to the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:

(1) Community centres and multi-purpose facilities may open for the following purposes:

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(2) Paragraph 1 of subsection 3 (1) of Schedule 2 to the Regulation is revoked and the following substituted:

1. Permitting the use of facilities for indoor sports and recreational fitness activities that are permitted to be open under section 13 and outdoor sports and recreational fitness activities that are permitted to be open under section 14.

(3) Subsection 3 (2) of Schedule 2 to the Regulation is revoked.

10. Paragraph 1 of section 4 of Schedule 2 to the Regulation is revoked.

11. (1) Subsection 6 (1) of Schedule 2 to the Regulation is amended by adding the following paragraph:

0.1 The person responsible for the establishment where the personal care service is provided must ensure that a safety plan is prepared and made available in accordance with section 5 of this Order.

(2) Paragraph 4 of subsection 6 (1) of Schedule 2 to the Regulation is revoked and the following substituted:

4. Steam rooms and whirlpools must be closed.

12. Schedule 2 to the Regulation is amended by adding the following section:

Retail sales, rentals

6.1 A place of business that engages in the retail sale, or rental, of items to the public may open if it complies with the following conditions:

1. No patron may be permitted to line up or congregate outside of the establishment unless they are,
 - i. maintaining a physical distance of at least two metres from other groups of persons outside the establishment, and
 - ii. wearing a mask or face covering in a manner that covers their mouth, nose and chin, unless they are entitled to any of the exceptions set out in subsection 2 (4) of Schedule 1.
2. The person responsible for the place of business must ensure that music is not played at the place of business at a decibel level that exceeds the level at which normal conversation is possible.

13. Paragraph 2 of section 7 of Schedule 2 to the Regulation is revoked.

14. Section 8 of Schedule 2 to the Regulation is amended by adding the following subsection:

(1.1) The person responsible for a conference centre or convention centre shall ensure that a safety plan is prepared and made available in accordance with section 5 of this Order.

15. Section 9 of Schedule 2 to the Regulation is amended by adding the following subsection:

(3) The person responsible for a shopping mall shall ensure that the following conditions are complied with:

1. No patron may be permitted to line up or congregate outside of the shopping mall unless they are,
 - i. maintaining a physical distance of at least two metres from other groups of persons outside the shopping mall, and
 - ii. wearing a mask or face covering in a manner that covers their mouth, nose and chin, unless they are entitled to any of the exceptions set out in subsection 2 (4) of Schedule 1.
2. The person must ensure that music is not played at the shopping mall at a decibel level that exceeds the level at which normal conversation is possible.
3. The person must ensure that a safety plan is prepared and made available in accordance with section 5 of this Order.

16. Paragraph 3 of section 12.1 of Schedule 2 to the Regulation is amended by adding “a mask or” before “face covering”.

17. (1) Paragraph 1 of subsection 13 (1) of Schedule 2 to the Regulation is revoked and the following substituted:

1. Any instruction given to members of the public who are engaged in a class, an organized program or an organized activity that is not a sport,
 - i. must be delivered through a microphone if, without a microphone, the instructor would need to raise their voice beyond the level of normal conversation, and
 - ii. must not encourage loud talking, singing or shouting.

(2) Paragraphs 1.1, 1.2 and 2 of subsection 13 (1) of Schedule 2 to the Regulation are revoked.

(3) Paragraph 3 of subsection 13 (1) of Schedule 2 to the Regulation is amended by striking out “a class, organized program or organized activity” and substituting “all classes, organized programs or organized activities”.

(4) Subsection 13 (1) of Schedule 2 to the Regulation is amended by adding the following paragraphs:

- 3.2 The total number of members of the public permitted to be in an exercise or fitness class at the facility at any one time must be limited to the number that can maintain a physical distance of at least three metres from every other person in the class, and in any event cannot exceed 10 persons.
- 3.3 The total number of members of the public permitted to be in an area of the facility containing weights or exercise machines at any one time must be limited to the number that can maintain a physical distance of at least three metres from every other person in that area, and in any event cannot exceed 10 persons.

(5) Paragraph 4 of subsection 13 (1) of Schedule 2 to the Regulation is revoked and the following substituted:

4. No spectators are permitted to be in the facility. However, a person under the age of 18 years who is engaged in activities in the facility may be accompanied by one parent or guardian.

(6) Subsection 13 (1) of Schedule 2 to the Regulation is amended by adding the following paragraphs:

11. The person responsible for the facility must ensure that a safety plan is prepared and made available in accordance with section 5 of this Order.
12. The person responsible for the facility must,
 - i. record the name and contact information of every member of the public who enters an indoor area of the facility,

- ii. maintain the records for a period of at least one month, and
 - iii. only disclose the records to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.
13. No member of the public may enter the facility unless they have made a reservation to do so. In the case of members of the public participating in a team sport, only one reservation per team is required.
14. No member of the public may be in the facility for longer than 90 minutes at a time unless the member of the public is engaged in a sport.
15. Music must not be played in the facility at a decibel level that exceeds the level at which normal conversation is possible.

(7) Subsection 13 (2) of Schedule 2 to the Regulation is amended by striking out “if they operate in compliance with the conditions set out in subsection (3)” in the portion before paragraph 1 and substituting “if they operate in accordance with a return to play plan approved by the Office of the Chief Medical Officer of Health”.

(8) Subsection 13 (3) of Schedule 2 to the Regulation is revoked and the following substituted:

(3) Paragraphs 3, 3.1, 3.2, 3.3, 5 to 7, 9 and 10 of subsection (1) do not apply with respect to a facility, or a particular room at a facility, during periods when the facility or the particular room is exclusively being used by persons who are athletes, coaches and officials training or competing to be a part of Team Canada at the next summer or winter Olympic Games or Paralympic Games if the persons are,

- (a) identified by a national sport organization that is either funded by Sport Canada or recognized by the Canadian Olympic Committee or the Canadian Paralympic Committee; and
- (b) permitted to train, compete, coach or officiate under the safety protocols put in place by a national sport organization mentioned in clause (a).

(3.1) Paragraph 5 of subsection (1) does not apply to parasport athletes and their attendants or guides.

18. (1) Subsection 14 (1) of Schedule 2 to the Regulation is amended by adding the following paragraphs:

- 0.3 Any instruction given to members of the public who are engaged in a class, an organized program or an organized activity that is not a sport,
- i. must be delivered through a microphone if, without a microphone, the instructor would need to raise their voice beyond the level of normal conversation, and
 - ii. must not encourage loud talking, singing or shouting.

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- 3.1 The total number of members of the public permitted to be at the facility in areas containing weights or exercise machines at any one time must be limited to the number that can maintain a physical distance of at least three metres from every other person in the facility, and in any event cannot exceed 10 persons.

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7. The person responsible for the facility must,
- i. record the name and contact information of every member of the public who enters an indoor area of the facility,
 - ii. maintain the records for a period of at least one month, and
 - iii. only disclose the records to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.

8. No member of the public may enter the facility unless they have made a reservation to do so. In the case of members of the public participating in a team sport, only one reservation per team is required.

9. Music must not be played in the facility at a decibel level that exceeds the level at which normal conversation is possible.

(2) Section 14 of Schedule 2 to the Regulation is amended by adding the following subsection:

(1.1) Paragraph 1 of subsection (1) does not apply to parasport athletes and their attendants or guides.

19. Subsection 15 (1) of Schedule 2 to the Regulation is amended by striking out “summer”.

20. (1) Subparagraph 2 i of subsection 18 (1.1) of Schedule 2 to the Regulation is revoked and the following substituted:

- i. if it is necessary for the purposes of the performance or rehearsal that the performers or persons who provide work for the concert venue, theatre or cinema must be closer to each other, or

(2) Subsection 18 (1.1) of Schedule 2 to the Regulation is amended by adding the following paragraphs:

4. The person responsible for the concert venue, theatre or cinema must ensure that a safety plan is prepared and made available in accordance with section 5 of this Order.
5. The person responsible for the concert venue, theatre or cinema must,
 - i. record the name and contact information of every performer and other person who provides work for the concert venue, theatre or cinema who enters an indoor area of the facility,
 - ii. maintain the records for a period of at least one month, and
 - iii. only disclose the records to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.

(3) Subsection 18 (3) of Schedule 2 to the Regulation is amended by striking out “for more than 10 spectators”.

21. Subsection 19 (1) of Schedule 2 to the Regulation is revoked and the following substituted:

Water features

- (1) Steam rooms and saunas are closed.

22. Section 20 of Schedule 2 to the Regulation is revoked and the following substituted:

Casinos, bingo halls and gaming establishments

20. Casinos, bingo halls and other gaming establishments may open if they comply with the following conditions:

1. Table games are prohibited.
2. The total number of members of the public permitted to be in the establishment at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the establishment, and in any event cannot exceed,
 - i. 10 persons, if the establishment is indoors, or
 - ii. 25 persons, if the establishment is outdoors.
3. The person responsible for the establishment must ensure that a safety plan is prepared and made available in accordance with section 5 of this Order.
4. The person responsible for the establishment must,
 - i. record the name and contact information of every patron,
 - ii. maintain the records for a period of at least one month, and
 - iii. only disclose the records to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.

23. Section 22.1 of Schedule 2 to the Regulation is amended by adding “of this Schedule” at the end.

24. (1) Paragraph 1 of section 25 of Schedule 2 to the Regulation is revoked.

(2) Paragraph 3 of section 25 of Schedule 2 to the Regulation is amended by adding the following subparagraph:

- 0.i for the purpose of serving food or beverages to members or patrons in accordance with section 1 of this Schedule,

25. (1) Paragraph 1 of section 26 of Schedule 2 to the Regulation is revoked.

(2) Paragraph 3 of section 26 of Schedule 2 to the Regulation is amended by adding the following subparagraph:

- 0.i for the purpose of serving food or beverages to members or patrons in accordance with section 1 of this Schedule,

26. Schedule 2 to the Regulation is amended by adding the following section:

Bathhouses, sex clubs

26.2 Bathhouses and sex clubs are closed.

27. Paragraph 1 of section 27 of Schedule 2 to the Regulation is revoked.

28. The Regulation is amended by adding the following Schedule:

SCHEDULE 4
CITY OF TORONTO HEALTH UNIT

1. (1) This Order, as it read on November 6, 2020, applies to the City of Toronto Health Unit for the period beginning on November 7, 2020 and ending at the last instant of the day on November 13, 2020 .

(2) Subsection (1) applies despite anything else in this Order.

Commencement

29. This Regulation comes into force on the later of November 7, 2020 and the day it is filed.

Français

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